

3. Plaintiff has included an instruction to which Defendant objects. That instruction reads as follows: “For each topic/subtopic, the witness is requested to identify the relevant documents or data by Bates-Number from documents produced in this litigation.”

4. Defendant objects to Plaintiff’s instruction stated above as it seeks to infringe on the work product privilege of Defendant’s counsel. In effect, Plaintiff is seeking to require counsel for Defendant to research, identify, and/or cull the documents for Plaintiff’s counsel in Plaintiff’s cross examination of Defendant’s corporate representative. By doing so, Plaintiff would acquire the mental impressions of defense counsel about which documents pertain to the topics listed. Defendant has produced more than 85,000 documents in this matter to Plaintiff by the Court’s previously imposed deadline. It is Plaintiff’s job to look through those documents and Defendant’s various Responses to Requests for Production (which identified responsive documents by Bates number) and determine which documents might be of use to Plaintiff in the presentation of Plaintiff’s case.

5. Defendant further objects to the Plaintiff’s instruction stated above because the request is not proportional to the needs of the case considering the parties relative access to the relevant information or documents. Plaintiff already has in her possession the documents which Plaintiff seeks to have Defendant identify. These documents were produced (or could be made) in text recognizable format. Plaintiff can as easily search the documents as can Defendant. The request is **not** asking for identification of new documents – it is seeking to require Defendant to identify the documents which Plaintiff may want to use in the cross examination of Defendant’s corporate representative, some future witness, and/or at trial.

II. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court sustain these

objections to Plaintiff's. Defendant prays for all other relief it may be entitled to at law or inequity.

Respectfully submitted,

**CURNEY, FARMER, HOUSE
OSUNA & JACKSON, P.C.**

411 Heimer Road
San Antonio, Texas 78232
(210) 377-1990 (Telephone)
(210) 377-1065 (Facsimile)

By: /s/ Jeffrey G. House

JEFFREY G. HOUSE

State Bar No. 00784295

jhouse@cfholaw.com

J. DEAN JACKSON

State Bar No. 24008373

djackson@cfholaw.com

MICHAEL D. DeNUCCIO

State Bar No. 24025015

mdenuccio@cfholaw.com

**ATTORNEYS FOR DEFENDANTS
WING ENTERPRISES, INC.
d/b/a LITTLE GIANT LADDERS**

/s/ Jeffrey G. House

Jeffrey G. House

CERTIFICATE OF SERVICE

I do hereby certify that the foregoing pleading has been forwarded in accordance with the Federal Rules of Civil Procedure as set out below on this the 6th day of April, 2023.

Ross Cunningham
Joseph R. Alexander, Jr.
Steven D. Sanfelippo
Cunningham Swaim, LLP
7557 Rambler Road, Suite 400
Dallas, Texas 75231
rcunningham@cunninghamswaim.com
joe@cunninghamswaim.com
ssanfelippo@cunninghamswaim.com
Attorneys for Plaintiffs

/s/ Jeffrey G. House

Jeffrey G. House